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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,366	12/22/2000	Stephen Charles Appling	1555-0020	2463
29052	7590	11/16/2004		
SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			EXAMINER BONSHOCK, DENNIS G	
			ART UNIT 2173	PAPER NUMBER
DATE MAILED: 11/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,366

Applicant(s)

APPLING, STEPHEN CHARLES

Examiner

Dennis G. Bonshock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-11,13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11,13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: RCE as received on 8-3-04.

2. Claims 1-5, 7-11, 13, and 16-21 have been examined.

Status of Claims:

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., Patent # 5,907,681, hereinafter Bates, Graham, HTML 4.0 Sourcebook, and Lo, Patent # 6,738,804.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hesselink et al., Patent # 6,499,054, hereinafter Hesselink.

5. Claims 8-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hoog et al., Patent # 6,385,510, hereinafter Hoog.

6. Claims 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hoog.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hoog supra and Hesselink.

Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., Patent # 5,907,681, hereinafter Bates, Graham, HTML 4.0 Sourcebook, and Lo, Patent # 6,738,804. Bates teaches a display in a webpage (column 1, line 54), that has at least one updateable object (column 2, line 6), and this object periodically requests updated data and updates (column 2, line 3). Bates however fails to show the use of a frame having zero height and zero weight (a.k.a. IFRAME or ILAYER), the optional use of an object that is an HTML element, script executable by the frame without user interaction, or updating only a portion of the webpage. With regard to claim 1, Graham however teaches a frame similar to that of Bates, but in addition, further teaches an IFRAME (or ILAYER, the Netscape Navigator equivalent) that can be made invisible through setting it's VISIBILITY equal to "hidden" (see page 412, line 10). With regard to claim 1, Lo teaches updating of items within a web page (see column 9, lines 45-50) similar to that of Bates, but further teaches updating of only select objects (see column 9, line 45 through column 10, line 5). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham and Lo before him at the time the invention was made, to modify the frame taught by Bates to include the invisibility option taught by Graham, in order to obtain a means for having one frame deal with checking with updates and another frame dedicated to displaying the corresponding updated data; and for Bates to include the ability to selectively update as taught by Lo, in order to limit refreshing and avoid conflicts. One would have been motivated to make such a combination because the two-frame setup can be used to

direct one frame's document to load new content into another frame and because selective update is more efficient than updating the entire display.

10. With regard to claim 2, Graham also teaches the optional use of an object that is an HTML element (see column 3, line 24).

11. With regard to claim 3, Bates also teaches to request data at timer thresholds (see column 2, line 8).

12. With regard to claim 4, Bates also teaches script executable by the frame without user interaction (see column 2, line 11).

13. With regard to claim 5, Lo further teaches updating a portion of a webpage by interacting with a script in the webpage (see column 9, line 45 through column 10, line 5 and column 10, lines 58-67).

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hesselink et al., Patent # 6,499,054, hereinafter Hesselink. Bates, Graham, and Lo teach a display in a webpage (column 1, line 54), that has at least one updateable object (column 2, line 6), that this object periodically requests updated data and updates (column 2, line 3), and a frame having zero height and zero weight managing the updates. They however fail to teach updated data being generated by a java servlet. Hesselink teaches a method for monitoring and controlling a system from a different physical location similar to that of Bates, Graham, and Lo, he also teaches the use of a java servlet for generating updated data (see column 9, line 35). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, Lo, and Hesselink before him at the time the invention was made, to modify

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Bates, Graham's, and Lo's web page to use a java servlet in the generation of updated data. One would have been motivated to make such a combination because the java servlet helps to search and retrieve previously recorded physical process data.

15. Claims 8-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hoog et al., Patent # 6,385,510, hereinafter Hoog. The rejections for claim 1, under Bates, Graham, and Lo, and the rejection for claim 5, under Bates, Graham, and Lo, listed above reject all the same material as in claim 8, except that they fail to teach receiving data from a sensor on a HVAC system. Hoog teaches a monitoring system similar to that of Bates, Graham, and Lo, but also teaches receiving data from a HVAC system, see column 4, line 13 and column 2, line 22. It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, and Lo before him at the time the invention was made, to modify the monitoring system of Bates, Graham, and Lo to incorporate the ability to monitor a HVAC system like Hoog's. One would have been motivated to make such a combination because effective monitoring of HVAC systems can increase efficiency.

16. With regard to claim 9, Graham further teaches a frame with zero height and zero width (see page 412, line 10).

17. With regard to claim 10, Bates further teaches the ability refresh without user interaction (see column 2, line 11).

18. With regard to claim 11, Lo further teaches ability to update without refreshing the entire screen (see column 9, line 45 through column 10, line 5).

19. With regard to claim 13, Hoog also teaches that the conditions measured include time, temperature, airflow, and damper position (see column 10, line 35).

20. Claims 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hoog. The rejection for claim 1 teaches all that is in claim 16 except for a communication device for receiving a webpage data file, and a processor for carrying out the functions of creating the web page. Hoog teaches a monitoring system similar to that of Bates, Graham, and Lo, but also teaches the use of a communication device for receiving a webpage data file (see figure 1), and a processor for carrying out the functions of creating the web page (see figure 1). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, and Lo to include the communication device for receiving a webpage data file, and a processor for carrying out the functions of creating the web page, taught by Hoog. One would have been motivated to make such a combination because without a communication device and a processor the system would not be able to receive or process data.

21. With regard to claim 17, Bates further teaches computer readable instructions to update in response to reaching a timer threshold (see column 2, line 8).

22. With regard to claim 18, Bates further teaches a script executable by the frame without user interaction (see column 2, line 11).

23. With regard to claim 19, Lo further teaches updating a portion of a webpage by interacting with a script in the webpage (see column 9, line 45 through column 10, line 5 and column 10, lines 58-67).

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24. With regard to claim 21, Graham also teaches that the said invisible frame is an inline frame (see page 412, line 10).

25. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Lo, and Hoog supra and Hesselink. Hesselink teaches a method for monitoring and controlling a system from a different physical location similar to that of Bates, Graham, Lo, and Hoog, supra he also teaches the use of a java servlet for generating updated data (see column 9, line 35). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, Lo, Hoog, and Hesselink before him at the time the invention was made to, to modify Bates, Graham, Lo, and Hoog's web page to use a java servlet in the generation of updated data. One would have been motivated to make such a combination because the java servlet helps to search and retrieve previously recorded physical process data.

Response to Arguments

26. The arguments filed on 8-3-04, have been fully considered, but they are not persuasive. The reasons are set forth below.

27. Applicant's arguments with respect to claims 1, 8, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

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29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11-10-04
dgb


RAYMOND J. BAYERL
PRIMARY EXAMINER
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